

**Chairperson**  
Bernard Frezza

**Vice-Chairperson**  
Anthony Piloizzi

**Secretary**  
Joseph Anzelone

**Counsel for the Board**  
Joseph Ballirano, Esq.



**Building Official**  
Bernard J. Nascenzi, C.B.O.

**Zoning Board Members**  
Richard Fascia  
Thomas Lopardo

**Alternate Board Members**  
Dennis Cardillo  
Albert Colannino

**Recording Secretary**  
Holli Stott

**JOHNSTON ZONING BOARD OF REVIEW**  
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## **MINUTES**

**July 17, 2012**

The Zoning Board of Review held its monthly meeting on the 17th day of July 2012 at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Bernard Frezza, Chairman, Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Richard Fascia, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official, Joseph Ballirano, Esq. and Dianne Edson, Stenographer.

### **A. B. File 2012-25**

LOCATION: 515 Greenville Avenue  
OWNER: Masco Holdings, LLC  
APPLICANT: Michael St Angelo  
LOT: AP 48 — Lot 15; 428,468 sq. ft.; B-1 Zone  
EXISTING USE: Masonry Business  
PROPOSAL: 22' x 32' carport style accessory structure to keep material dry  
**Dimensional Variance** petitioned under Article V, § 340-25 Authorized departures from yard regulations, subsection C, Accessory Structures

Michael St. Angelo, applicant and owner of the property, was sworn in and he explained to the board that he erected a carport style structure without any permits. Mr. Nascenzi intervened and explained to the board that a member of the zoning board reported this structure to the building official so and a cease and desists order was sent out. Mr. St. Angelo then explained that he is only using the structure for the storage of wood and he did not know that he needed a permit because it does not have any sides on this structure and he met all the setbacks for this zone. Mr. Pilozzi asked Mr. St. Angelo if there are any other businesses being conducted out of this property and Mr. St. Angelo explained that a friend of his has a hobby working on his personal cars and that's it.  
No one for or against

Mr. Pilozzi made a motion to approve. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

**B. File 2012-35 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)**

LOCATION: 61 King Street  
OWNER/ APPLICANT: Giovanni and Priscilla Stanziale  
LOT: AP 15 — Lot 282; 10,890 sq. ft; R-15 Zone  
EXISTING USE: Single Family Dwelling  
ISSUE: Violation of section §340-25 Accessory Structures

Mr. Peter Garvey, attorney for the Stanziale's, was sworn in and he explained to the board that his clients are appealing the citation issued on May 15<sup>th</sup> and three other citations that two of them were dismissed by the Johnston Municipal Court. Mr. DelPonte issued a citation to the Stanziale's in violation of a lighting disturbance of the town's ordinance in July of 2007 and was dismissed on February of 2008 and issued again by Mr. Nascenzi on April 21<sup>st</sup> 2010 and again on January 13<sup>th</sup>, 2011 and dismissed on March 2, 2011 for the same citation same ordinance. Two weeks after the final dismissal of the citation they held a friendly meeting with both parties, the Stanziales and the Magnesses along with both attorneys and Mr. Frank Saccoccio, Town Solicitor, came to an agreement that the lights on the trellis can be lit until 10 pm and the Stanziales have complied with the agreement thus far. Mr. Nascenzi explained that when the agreement was met the Stanziales then replace the original trellis which was made out of PVC piping and only two posts now have four posts and made out of wood and very close to the property line. Mr. Nascenzi explained to the board that a permit is not required for a structure less than 64 square feet as long as it is five feet off the property line, which it is not, its only 2 feet off the property line. Mr. Nascenzi went over the definitions of accessory structures and fences so that everyone was clear as to why they were here this evening.

Mr. Sinapi, attorney for the Magnesses, was sworn in and he handed to the board some pictures from his client's yard or the trellis. Mr. Piloizzi made a motion to accept the picture as exhibit A. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. Mr. Nascenzi reiterated that no one was here for the fact that there are lights on this structure, but they are here to override his decision on the accessory structure zoning violation.

Mr. Steven Finn, abutter, was sworn in and he explained to the board that this whole situation is crazy to be arguing about and misusing the town's time, money and resources.

Mr. Piloizzi made a motion to uphold Mr. Nascenzi's determination. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

**C. File 2012-20**

LOCATION: 2154 Hartford Avenue  
OWNER/APPLICANT: Bel-Air Motor Inn, LLC  
LOT: AP 54 — Lot 87; 71,002.80 sq. ft.; B-2 Zone  
EXISTING USE: Eighteen Room Motel  
PROPOSAL: Using twelve of the eighteen rooms as extended stay rooms  
**Use Variance** petitioned under Article III, § 340-8 Table of Use Regulations subsection 14.1

Mr. Al Russo, attorney for the applicant, sworn in and he explained to the board that his client would like to have 12 out of the 19 rooms that they have for vacancy used as extended stay rooms. The owner

of the property will be dressing up the rooms with new counter tops, microwaves, refrigerators only no stoves will be installed.

Nicholas Veltri, surveyor on the project, accepted as an expert witness. Mr. Pilozzi made a motion to approve Mr. Veltri as an expert witness. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. Mr. Veltri explained when the location of the property was located in Johnston as well as what type of water they have and what kind of leaching system they currently have. He then went on to explain the square footage of each room as well as the parking plan if in case this project gets approved for the extended stay.

Mr. Velleco, owner of the property, was sworn in and he explained to the board that he will not be accepting third party payments such as section 8. Mr. Velleco has been the owner of the Bel-Air Motor Inn for over 12 years ago and as time went on business deteriorated and economy went bad. He claimed that he has a hardship that he can no longer survive with the way the economy is and he needs some of his rooms to be extended stay rooms. Mr. DelPonte explained that he has been called to the motel on several occasions and that there were horrible living conditions, such as pot and pans in the bath tub, lawn mowers etc where the guest would be sleeping in which Mr. DelPonte had to write up the motel for multiple violations. He also stated that "residents" of the motel have been using the motels address to register their children in the Johnston school system and their licenses also have the motels address on it, along with their car registration. There have been numerous visits by the police department for suspicious actions at the motel.

Mr. Nascenzi questioned Mr. Veltri about the number of parking spot per motel room and he explained that the town ordinance is two parking spots per every room. And also there needs to be spots that are handicap accessible.

Mr. Ralph Velleco, Jr., co-owner of the property, asked the board how long the people coming in to rent these rooms have to stay and when they should be telling these people that they have to leave. Mr. Pilozzi explained to Mr. Velleco that the zoning board is not police department and that his attorney should advise his clients on ho much time the customers can remain on the premises for a period of time before they are asked to leave. There is no room service and the maids go through the rooms once a week.

No one for or against

Mr. Anzelone made a motion to deny. Mr. Fascia seconded the motion. A voice vote was taken; all in favor. Motion denied. Mr. Pilozzi wanted to let the record show that he did not vote.

Mr. Anzelone made a motion to adjourn. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

**Adjourn 8:43**